IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

Crl.Rev.Pet.No. 1107 of 2000()

CRA.155/2000 of V ADDL.SESSIONS COURT, ERNAKULAM
C.C.NO.1208/97 OF JFCM-I, ERNAKULAM

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REVN. PETITIONERS APPELLANTS/ACCUSED:

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1. THE UBENM-STEADY INTERNATIONAL LTD.
   REP. BY ITS MANAGING DIRECTOR
   STEADY HOUSE, KUDAYAMPADY JUNCTION
   KOTTAYAM.

2. JACOB G.CHERIAN
   MANAGING DIRECTOR
   UBENM STEADY INTERNATIONAL LTD.
   STEADY HOUSE, KUDAYAMPADY JUNCTION
   KOTTAYAM.

BY ADV. SRI.NAIR AJAY KRISHNAN
SRI.NAGARAJ NARAYANAN

RESPONDENTS: RESPONDENTS

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1. P.B.SUNIL, S/O.BHASKARAN
   PUTHUKALATHIL HOUSE
   EDAKATTUVAYAL P.O.
   AROKUNNAM.

2. STATE OF KERALA, REPRESENTED BY
   THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
   ERNAKULAM.

BY ADV. SRI.K.K.VIJAYAKUMAR
BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 20/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.R.P.NO.1107/2000

ORDER ON CRL.M.P.NO.5842/2000 IN CRL.R.P.NO.1107/2000

DISMISSED

20.11.2007 SD/- K.R.UDAYABHANU, JUDGE

/TRUE COPY/

P.A. TO JUDGE

K.R.UDAYABHANU, J

Crl.R.P.No.1107 of 2000

Dated this the 20th day of November, 2007

O R D E R

The revision petitioners who are the accused have sought for setting aside the order of the appellate court dismissing the appeal for default due to the non payment of batta for sending notice. The trial court convicted the revision petitioners and sentenced A1 company to pay a fine of Rs.5,000/- and A2, the Managing Director of the company, is sentenced to undergo simple imprisonment for six months and to pay a fine of Rs.5,000/- and in default, to undergo simple imprisonment for two months.

2. The case of the complainant is that the accused issued a cheque for Rs.46,850/- to the complainant towards existing liabilities and the same when presented got dishonoured for want of funds in the account of the accused.

3. Counsel for the revision petitioners has only sought for modification of the sentence. In the circumstances, the sentence imposed on the second revision petitioner/A2 is

modified to imprisonment till the rising of the court and to pay a compensation of Rs.47,000/- to the complainant and in default, to undergo simple imprisonment for three months. The sentence imposed on A1 is confirmed. The revision petitioners/accused is granted four months' time to remit the amount of compensation. A2 shall appear before the Judicial First Class Magistrate Court-I, Ernakulam on 19.3.2008 to receive sentence.

The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl